

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RICHARD LEE MORSE, Ph.D.,

Plaintiff,

vs.

No. CIV 08-1192 JB/RLP

COUNTY OF LOS ALAMOS and
LOS ALAMOS POLICE DEPARTMENT,

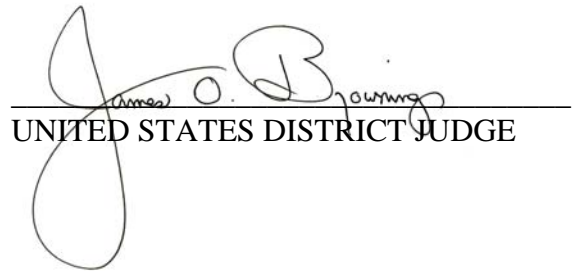
Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER comes before the Court on the Defendants' letter (dated Dec. 21, 2009), filed December 21, 2009 (Doc. 31), in response to the Memorandum Opinion and Order, filed December 4, 2009 (Doc. 28), requesting that the Defendants send a letter to the Court after eleven days "advising whether Morse has complied with this Court Order." Memorandum Opinion and Order at 10. According to the Defendants' letter, received via facsimile on December 21, 2009, Plaintiff Richard Morse has not complied with the Court's Order, which gave Morse "ten days to contact the Defendants, to provide his initial disclosures, to provide responses to all outstanding discovery requests, to prepare a date for his deposition, and to provide his portion of the Pretrial Order." Memorandum Opinion and Order at 10. As indicated in the Defendants' letter, Morse has not provided his initial disclosures or Pretrial Order, has not responded to discovery requests, or otherwise contacted the Defendants regarding this case. The Court's Memorandum Opinion and Order conditionally granted the Defendants' Motion for Sanctions Pursuant to rule 37 of the Federal Rules of Civil Procedure requesting the Court to dismiss Morse's Complaint. Because Morse did not comply with the Court's Order and has not indicated that he wishes to continue this action, the

Court will dismiss the case.

IT IS ORDERED that Morse's Complaint is dismissed without prejudice.



UNITED STATES DISTRICT JUDGE

Parties and counsel:

Richard Lee Morse
Los Alamos, New Mexico

Plaintiff Pro Se

Christina L Brennan
James P. Sullivan
Brennan & Sullivan, P.A.
Santa Fe, New Mexico

Attorneys for the Defendants